

**REMARKS/ARGUMENTS**

1. In the above referenced Office Action:

- a. Claims 1-3, 5, 8-11, 13, 14, 42-46, 50-52 and 54-55 have been rejected under 35 USC § 103 (a) as being unpatentable over Tomich (U.S. Patent No. 7,099,316) in view of Paul (U.S. Patent No. 6,381,745) in view of Foster (U.S. Patent No. 7,675,876) further in view of Wang (U.S. Pub. No. 2001/0013131);
- b. Claims 6, 7, 47 and 48 have been rejected under 35 USC § 103 (a) as being unpatentable over Tomich (U.S. Patent No. 7,099,316) in view of Paul (U.S. Patent No. 6,381,745) in view of Foster (U.S. Patent No. 7,675,876) in view of Wang (U.S. Pub. No. 2001/0013131) further in view of Leone (U.S. Patent No. 6,901,153);
- c. Claims 15 and 56 have been rejected under 35 USC § 103 (a) as being unpatentable over Tomich (U.S. Patent No. 7,099,316) in view of Paul (U.S. Patent No. 6,381,745) in view of Foster (U.S. Patent No. 7,675,876) in view of Wang (U.S. Pub. No. 2001/0013131) further in view of Tsuge (U.S. Patent No. 5,995,709).

The rejections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-3, 5-11, 13-15, 42-48, 50-52 and 54-56.

2. Claims 1-3, 5, 8-11, 13, 14, 42-46, 50-52 and 54-55 have been rejected under 35 USC § 103 (a) as being unpatentable over Tomich (U.S. Patent No. 7,099,316) in view of Paul (U.S. Patent No. 6,381,745) in view of Foster (U.S. Patent No. 7,675,876) further in view of Wang (U.S. Pub. No. 2001/0013131). The applicant respectfully disagrees with this rejection and the reasoning thereof. Claim 1 includes the following:

A method for isolating a channel of interest from a set of channels from a plurality of multimedia sources that include a video network and a local media player, in a multimedia system that includes a multimedia server that is coupled to the plurality of multimedia sources, wherein at least one of the set of channels includes data from the local media player,

the method comprises:

receiving the set of channels as a single time division multiplexed stream of data packets via a communication path from the multimedia server;

In setting forth the basis of the rejection, the Examiner looks to Tomich for creation of the stream of channel packets and to Paul for the inclusion of a data from a local media player. The applicant respectfully disagrees with the combination of these two references and submits that their combination fails to meet the elements of claim 1.

In Tomich's system, multiple time division multiplexed channels are transmitted from house to house in a ring structure. Paul, in contrast, multiplexes a VCR signal with cable TV/ Satellite signals via an unused frequency channel (i.e. frequency division multiplexing) -- see for example, Col. 4 lines 20-30. As a first point, the proper application of Paul to Tomich would result in adding the local VCR signal by frequency division multiplexing as taught by Paul. Neither Tomich nor Paul, nor any combination thereof discloses receiving a set of channels as a single time division multiplexed stream where one of the channels includes data from a local media player.

Secondly, Tomich relates to signals sent house to house, and not within a house. Applying the teaching of Paul to Tomich would yield a seemingly nonsensical result of providing the VCR output signal from each home to all other homes in the neighborhood. This is neither desireable nor commercially practical and indeed would apparently yield an impermissible/illegal rebroadcasting of protected video content from a single VCR tape (licensed strictly for private home-use) to all the homes in the neighborhood.

Claim 1 is believed to be patentably distinct for these reasons. Claim 42 is believed to be patentably distinct for similar reasons

Claims 2-3, 5, 8-11, 13, 14, 43-46, 50-52, 54 and 55 are dependent upon claims 1 and 42 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claims 1 and 42 over the present rejection are applicable in

distinguishing claims 2-3, 5, 8-11, 13, 14, 43-46, 50-52, 54 and 55 over the same rejection.

3. Claims 6, 7, 47 and 48 have been rejected under 35 USC § 103 (a) as being unpatentable over Tomich (U.S. Patent No. 7,099,316) in view of Paul (U.S. Patent No. 6,381,745) in view of Foster (U.S. Patent No. 7,675,876) in view of Wang (U.S. Pub. No. 2001/0013131) further in view of Leone (U.S. Patent No. 6,901,153). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 6, 7, 47 and 48 are dependent upon claims 1 and 42 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 1 and 42 over Tomich in view of Paul in view of Foster in view of Wang are applicable in distinguishing claims 6, 7, 47 and 48 over the additional combination with Leone.

4. Claims 15 and 56 have been rejected under 35 USC § 103 (a) as being unpatentable over Tomich (U.S. Patent No. 7,099,316) in view of Paul (U.S. Patent No. 6,381,745) in view of Foster (U.S. Patent No. 7,675,876) in view of Wang (U.S. Pub. No. 2001/0013131) further in view of Tsuge (U.S. Patent No. 5,995,709). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 15 and 56 are dependent upon claims 1 and 42 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 1 and 42 over Tomich in view of Paul in view of Foster in view of Wang are applicable in distinguishing claims 15 and 56 over the additional combination with Tsuge.

**CONCLUSION**

For the foregoing reasons, the applicant believes that claims 1-3, 5-11, 13-15, 42-48, 50-52 and 54-56. are in condition for allowance and respectfully request that they be passed to allowance.

The Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor application in relation to the instant application. The Examiner is advised that any such previous disclaimer and the prior art that it was made to avoid, may need to be revisited. Further, the claims in the instant application may be broader than those of a parent application. Moreover, the Examiner should also be advised that any disclaimer made in the instant application should not be read into or against the parent application.

No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

**RESPECTFULLY SUBMITTED,**

By: /Bruce E. Stuckman, Ph.D. Reg. No. 36,693/

Bruce E. Stuckman, Ph.D.

Garlick Harrison & Markison

P. O. Box 160727

Austin, TX 78716-0727

Phone: (512) 241-8444

Fax: (512) 241-8445

email: bstuckman@texaspatents.com